

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

JOSEPH R. HESS

PLAINTIFF

VS.

No. 3:20-cv-51-DPM

**CHRISTIAN UNDERWOOD; and
JOHN DOES**

DEFENDANTS

**SEPARATE DEFENDANT’S MOTION FOR EXTENSION OF DISCOVERY
DEADLINE AND DISPOSITIVE MOTION DEADLINE**

COMES NOW separate defendant, Christian Underwood (“Officer Underwood”), in his individual capacity, by and through undersigned counsel, and for his Motion for Extension of Discovery Deadline, states:

1. The current discovery deadline is January 22, 2021; the current dispositive motion deadline on the merits is February 22, 2021; this matter has not been set for trial. *See* Dkt. No. 18.
2. On November 18, 2020, undersigned counsel sent correspondence via certified mail to Plaintiff informing him that she would be coming to Paragould to conduct his in-person deposition on December 15, 2020; enclosed in the correspondence was a subpoena setting out the same basic information as well as Interrogatories and Requests for Production.
3. However, Plaintiff did not appear for the previously scheduled deposition, and undersigned counsel became aware that he never received the mailing.
4. As such, undersigned counsel sent the same correspondence on December 16, 2020, except the correspondence and subpoena set the date for Plaintiff’s in-person deposition at January 22, 2021.
5. The deposition was set up as an in-person due to Plaintiff’s IFP and pro-se status.

6. Undersigned counsel tested positive for Covid-19 yesterday, January 21, 2021, after learning that she had been exposed to someone with Covid-19 and is symptomatic.

7. The paralegal that works with undersigned counsel spoke to Plaintiff yesterday, relayed the Covid-19 concerns, and informed him that his deposition was cancelled, that Defendant would be moving for an extension, and that his deposition would be rescheduled, to which Plaintiff had no objections.

8. Thus, Defendant requests a 30-day extension of the discovery deadline as well as the dispositive motion deadline to allow for the resolution of undersigned counsel's illness as well as the expiration of the appropriate quarantine duration.

9. This motion is not made for purposes of delay and should it be granted, no parties herein will be prejudiced.

WHEREFORE, separate defendant Underwood requests that this Court grant his Motion for Extension of Discovery and Dispositive Motion Deadline and for all other just and proper relief to which there is entitlement.

Respectfully submitted,

**CHRISTIAN UNDERWOOD,
Individually
SEPARATE DEFENDANT**

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CERTIFICATE OF SERVICE

I, Amanda LaFever, hereby certify that on January 22, 2021, that a true and correct copy of the above and foregoing was filed with the Clerk of Court via electronic filing and notice of the same was served upon the following via U.S. Postal Service, Certified Mail, Return Receipt Requested, on January 22, 2021.

Joseph Hess, *Pro Se*
5188 Hwy 69
Paragould, AR 72450

/s/ Amanda LaFever
Amanda LaFever, Ark. Bar No. 2012133